

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Joshua Rothstein,

Plaintiff

vs.

Kemps, LLC,

Defendant.

Case No.: 09-CV-03387 JMR/SRN

**Defendant Kemps, LLC's  
AMENDED  
Notice of Motion to Dismiss  
Counts I, III and IV  
of Plaintiff's Complaint**

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TO: PLAINTIFF AND HIS ATTORNEYS OF RECORD, JONI THOME AND MATTHEW NOLAN, HALUNEN & ASSOCIATES, 1650 IDS CENTER, 80 SOUTH 8TH STREET, MINNEAPOLIS, MN 55402:

PLEASE TAKE NOTICE, that the undersigned, on behalf of Defendant, Kemps, LLC, will bring a Motion to Dismiss Counts One, Three, and Four of Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), to be heard by The Honorable Magistrate Judge Susan R. Nelson, United States District Court, Courtroom 9E, United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415 on the **12<sup>th</sup> day of March, 2010 at 9:30 a.m.** or as soon thereafter as counsel can be heard.

Dated: February 12, 2010

FELHABER, LARSON, FENLON & VOGT, P.A.

/s/ Lee A. Lastovich

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